

TOWN OF ABINGDON  
PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 28, 2009 - 5:30 P.M.

The regular meeting of the Abingdon Planning Commission was held Monday, September 28, 2009, at 5:30 P.M. The meeting was held in the Municipal Building, downstairs meeting room.

Mr. Matthew T. Bundy, Chairman, called the meeting to order. Mr. Sean Taylor called the roll.

ROLL CALL

Members Present: Mr. Matthew T. Bundy, Chairman  
Dr. H. Ramsey White, Jr., Vice-Chairman  
Mr. Gregory W. Kelly  
Mrs. Cathy Lowe  
Mr. Kenneth Shuman  
Mr. Gary Kimbrell  
Ms. Francine Ivery

Comprising a quorum of the Commission

Members Absent: None

Administrative Staff: Mr. W. Garrett Jackson, Director of Planning/Zoning (Absent)  
Mr. Sean Taylor, Assistant Director of Planning/Zoning  
Mr. Michael Worrell, Code Compliance Officer  
Mrs. Deborah Icenhour, Town Attorney  
Mr. Jim C. Smith, Director of Wastewater Operations/Town Engineer

Visitors: Mr. Michael Richardson  
Ms. Sonya Murray  
Mr. Gilmer Murray  
Ms. Cynthia Murray  
Ms. Betty Murray  
Ms. Bethany Murray  
Ms. Nellie Foster  
Ms. Marva Wheeler  
Mr. Sanford Pippin  
Mr. J. J. Jessee  
Mrs. Bonnie Jessee

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(2) Approval of Minutes: Regular Meeting – August 24, 2009

Mr. Kimbrell made a motion that the minutes of the regular meeting, August 24, 2009, be approved as submitted. Mr. Shuman seconded the motion, with unanimous approval.

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(3) **PUBLIC HEARING**

Findings and recommendations from Town Manager regarding property determined to be blighted, located at 268 Leonard Street, Abingdon, Virginia, after owners failed to carry out a plan to cure or eliminate the blight within the time period accepted by the Town Manager.

Mr. Bundy declared the Public Hearing as being open and asked if anyone present would like to address the findings and recommendations regarding the property determined to be blighted, located at 268 Leonard Street, as submitted.

This property has been the focus of the Town for various reasons for a period of one and one-half to two years. The property owner has been contacted numerous times by several departments of the Town during this period of time. The matter is now before the Planning Commission as a result of the process agreed to by the Town Attorney and the Town Manager.

Ms. Bethany Murray explained that the 60+ years' accumulation of material was the primary reason for the condition of the premises. Ms. Murray also described the accumulation as hoarding. She stated that much work had been performed on the property and that she had been faced with various obstacles not related to the premises themselves, including inclement weather and labor shortages. She further stated that the scope of the problem was considerable. Ms. Murray went on to state that the family felt targeted, because the neighboring Foster property was in similar disarray but no Town action had been taken with regards to the Foster property.

Subsequent to the statement of Ms. Bethany Murray and unofficial statements of two other Murray family members, Mr. Gilmer Murray entered and approached the podium, carrying the posted notice of the hearing and the stake it had been affixed to. Mr. Murray proceeded to make an underhand throw of the aforementioned notice and stake, striking the front of the area where the Commission was seated, approximately in the area of Mrs. Ivery. No member of the Commission or any other person in attendance was injured. Mr. Murray made no other statement and was escorted from the meeting by his family.

Mr. Michael Richardson, 15257 Branch Street, also owner of property in the Taylor's Hill community, next approached the podium and was recognized by the Commission. Mr. Richardson, claiming to speak on behalf of the Taylor's Hill community, acknowledged the Murray property was a, "mess" but indicated satisfaction with the progress made by Ms. Murray. He further stated that the poultry problem was diminishing.

Ms. Marva Wheeler, 266 Leonard Street, indicated her appreciation of improvements on the property.

Mrs. Nellie Foster, 310 Leonard Street, acknowledged and agreed with the earlier Murray remarks regarding her property. Mrs. Foster further stated that she and her husband would be responsible for the cleanup of that property. Mrs. Foster also stated that she wished to recognize efforts made by the Murrays in addressing the condition of the Murray premises.

Mr. Shuman and Mr. Bundy explained the next steps in the process focusing upon the additional time to show improvement---approximately five (5) weeks---available to the Murrays, should the matter be referred to Town Council. Mrs. Lowe subsequently reiterated these facts to the Murrays.

Mr. Bundy asked if there was anyone else to speak for or against the preliminary finding of blight. There being no one else to speak, Mr. Bundy declared the Public Hearing closed and asked if there was a motion in terms of approving the preliminary finding.

Mr. Shuman made a motion that the Planning Commission approve and recommend to the Town Council, the finding of blight of this property, allowing the property owner ample time of 35 days between this meeting and

the Town Council meeting scheduled for Monday, November 2, 2009, to show additional significant progress in eliminating the blight of the property. Mr. Kimbrell seconded the motion, with unanimous approval.

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- (4) **CERTIFICATE OF APPROPRIATENESS - Sue Ann Deel, Owner, dba Grundy National Bank, 498 Cummings Street, Abingdon, VA 24210; application for Certificate of Appropriateness for approval of illuminated sign to be located at 498 Cummings Street. Tax Map No. 105A (2) 16B.**

This request is for approval of a new illuminated message center to be located at 498 Cummings Street. The size of the proposed sign will be 15 sq. ft., mounted on a 15 ft. pole. The sign will have lexan plastic faces, aluminum cabinet with pole cover and steel frame for led message center. The proposed sign colors will be Metallic Gold, Black and White, with message center being Amber.

Mrs. Lowe made a motion to approve sign as presented, subject to the sign being within the 15 ft. height regulations. Mr. Kimbrell seconded the motion, with unanimous approval.

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- (5) **CONSIDERATION OF PRELIMINARY PLAT FOR PROPOSED SUBDIVISION - Proposed subdivision of property owned by Sanford E. and Frances M. Pippin, located on the south side of Wyndale Road between Woodland Hills Road and Repass Street. Tax Map No. 104 (A) 32.**

The proposed subdivision is located on the south side of Wyndale Road between Woodland Hills Road and Repass Street. The subdivision will divide one existing lot containing about 1.88 acres and three duplex structures into four lots ranging in size from 0.22 acres (9,268 sq. ft.) to 0.79 acres (34,554 sq. ft.).

The duplex unit separated by the boundary between Lots 3-A and 3-B have separate driveways and entrances that connect to Wyndale Road.

The boundary between Lots 3-C and 3-D separates duplex structures. The four dwelling units (623 through 629) share a portion of the driveway with only one entrance connected to Wyndale Road.

The purpose of the subdividing Lot 3 is to create parcels that can be sold separately.

The records show that Lot 3 was created by a subdivision of land that was approved by the Town Council on March 5, 2001. Frontage improvements (drainage, street widening, curb, and gutter) were required, designed, and constructed according to the Town requirements. The Planning Commission recommended and the Town Council approved a waiver request for construction of sidewalks.

The following information regarding the utilities for this property and supplied by Mr. Smith, Town Engineer, are as follows:

Utilities

- Water – the existing water distribution system in the subdivision is by the Washington County Service Authority. The General Manager’s signature will be required on the final plat, indicating approved by the Washington County Service Authority.
- Sanitary Sewer – because the existing sanitary sewer is private on Lot 3, the Town will require an easement on the sewer line that crosses all lots from the existing connection to the cleanout on proposed Lot 3-A. The Town’s Collection Department has inspected the interior of the sewer line with a camera and found the line to be in good condition. The Collection Department has recommended the Town accept the sewer line into its system for maintenance.
- Electrical – currently being supplied by American Electric Power
- Gas – available along Wyndale Road
- Telephone, Cable - available

Improvements (Subdivision Ordinance, Article VI

With the exception of a sidewalk, frontage improvements along Wyndale Road were constructed during the development of the previously approved subdivision. Unless waived, construction of a sidewalk along existing Lot 3 will be required for this subdivision.

There are no public streets proposed within this subdivision, only driveways connected to Wyndale Road. Rather than creating additional entrances to each lot, the Department of Public Works prefers the current connections to Wyndale Road and recommended no new connections or changes. Because dwelling units (623 through 629) share a portion of the driveway, ingress-egress easements to run with the land will be required and referenced on the Final Plat.

Exceptions (Subdivision Ordinance, Article X)

The sub-divider has requested the Planning Commission waive the requirement to construct sidewalks. The sub-divider has also requested a variance on the Side Yard Regulations of Lot No. 3-C and Lot 3-D. Under the conditions set forth in Sections 10.1 and 10.2 of the Subdivision Ordinance, the Planning Commission may recommend to the Town Council a waiver or modification of requirements.

A motion was made by Dr. White to approve the variance requests for both, sidewalk and side yard. Mr. Kelly stated that the Planning Commission can only approve the sidewalk request, that a variance regarding side yard must be presented for review by the Board of Zoning Appeals. Mrs. Lowe stated her concerns in granting a variance for the sidewalks, due to many neighborhoods lacking sidewalks. Mr. Shuman stated that previously a variance was granted to Mr. Pippin for sidewalks on his adjacent property.

After further discussion, Dr. White amended his motion to approve the variance request for sidewalks, and refer the variance request for side yard to the Board of Zoning Appeals. Mr. Kimbrell seconded the motion, with unanimous approval.

Mr. Kelly wanted it stated for the record, the reason for approval of the sidewalk variance was based on the previous variance request approved by the previous Planning Commission.

After further discussion, Mr. Shuman made a motion to approve the Preliminary Plat as presented, subject to the approval of the side yard variance request by the Board of Zoning Appeals. Mr. Kimbrell seconded the motion, with unanimous approval.

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(6) DISCUSSION - Upcoming Zoning Ordinance Revisions

Due to Mr. Jackson being absent, the discussion for the upcoming Zoning Ordinance revisions was tabled until the next regular meeting.

There being no further business, Mrs. Lowe made a motion made that the meeting be adjourned. Mr. Shuman seconded the motion, with unanimous approval.

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Matthew T. Bundy, Chairman

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Gregory W. Kelly, Secretary